# Planning for the Legal Needs of Utah's Seniors

# **Final Report**

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# I. Executive Summary

Utah's senior population is booming, and consequently, the demand for legal services is increasing. Utah's legal services providers need a clear vision of the legal problems seniors face to plan for the future. The limited resources for legal services programs should be allocated in the most helpful and beneficial way. This study assesses the legal needs of Utah's seniors, their perception and experiences with attorneys, their awareness of current legal services, and the barriers to obtaining legal assistance.

In the spring of 2004, the investigators sent a self-completion survey to 989 seniors throughout Utah. The response rate was a stunning sixty-seven percent (67%).

- Eighty-six percent (86%) of Utah's seniors have experienced a legal difficulty within the last three years.
- A significant number of Utah's seniors indicate legal difficulties in the following areas: telemarketing (58%), the new Medicare Drug Card (53%), estate and advance planning (28%), health insurance (27%), and problems with salespersons (25%).
- Fifty percent (50%) of seniors have used an attorney's services in the past ten years, and of these, seventy-three percent (73%) found the attorney's service to be very helpful.
- Seniors who have used an attorney in the past are more likely to call an attorney they know for future legal needs (55%).
- The majority of seniors (56%) have never heard of any legal services or senior advocacy organization, such as Utah Legal Services, Adult Protective Services, or Legal Aid Society.
- The top legal issues seniors want help with are estate planning (44%), government benefits (43%), and advanced planning (40%).
- Seniors indicate the most needed services are a legal hotline (69%), a legal guidebook (60%), and free or low-cost attorneys (44%).
- Twenty-six percent (26%) of seniors live on a low-income, less than 150% of poverty.

#### II. Introduction

#### A. The Importance of Legal Needs

At present, about one in eight Americans is age 65 or older. However, because of the baby boom population, it is projected that by 2030 about one in five Americans will be age 65 or older. Utah will also experience explosive growth in its senior population. From 2000 to 2030, this population will increase by 155%. Utah has the sixth fastest growth rate in the nation for people age 65 and older.

This tremendous growth will impact Utah in many ways including a greater demand for legal services. It is important for Utah's legal services community and policymakers to prepare for the current needs of seniors and for the upcoming changes.

It is essential to recognize legal needs as part of the spectrum of senior services. Often gerontology experts do not understand the importance of addressing legal issues, detrimentally affecting seniors. Seniors who go without legal assistance can suffer financially, emotionally, and physically. For instance, many seniors deed their homes to their family while still living in their home. The family may borrow against the home, the bank forecloses, and the senior is evicted.

Attorneys can assist and educate seniors on how to keep, protect, and properly convey their property. In addition, with legal assistance seniors can plan ahead for medical incapacity and decision-making. Attorneys can protect seniors from consumer and telemarketing fraud, abuse, and financial exploitation. And as advocates they can help guide seniors through health insurance and government benefit problems.

# **B.** Current Funding of Legal Services

Utah has very limited resources for Senior Legal Services. The <u>Older Americans Act</u>, a federal law, requires free legal assistance for persons 60 and older regardless of income. But the federal government does not provide adequate funding for legal assistance,

and at present, the State of Utah does not provide any funding for Senior Legal Services.

#### C. The Need for a Legal Assessment Survey

Utah's seniors need legal services, and many organizations do their best to provide those legal services. But what are the legal needs of Utah's seniors? What services do seniors need? How should Utah's legal services providers allocate resources to be more effective? What programs and initiatives should be pursued to meet the legal needs of seniors?

There is very little state specific data to answer these questions or suggest the types of legal problems seniors face. According to other Legal Service Developers, no state has ever specifically surveyed seniors' legal needs.

Utah's senior network has very little data on the legal needs of Utah's seniors. Thus, legal programs and services are being created for seniors based solely on client interactions and national data. The senior population is being served based on what the senior network thinks is needed, rather than what seniors really need.

As funding becomes scarcer, it is important to develop programs around the true needs of seniors. And to attract further funding, it is essential to show that there is a need. Thus, this survey has three goals – (1) to obtain a clear picture of the needs of Utah's seniors, (2) to focus resources to provide legal services with the greatest impact, and (3) to provide information that will be helpful in obtaining additional funding for new legal service programs and initiatives.

# D. Study Purposes

This report is a detailed summary of the findings from a statewide survey of older Utah residents conducted by Jilenne Gunther of the <u>Borchard Foundation Center on Law and Aging</u>, and Alan Ormsby of <u>Utah's Division of Aging and Adult Services</u>. The purposes of the study are to assess (1) Utah's seniors' legal needs, (2) their awareness of available legal services, (3) their experiences with

lawyers and perceptions of lawyers, (4) the barriers seniors have with using a lawyer, (5) the legal issues that concern them, and (6) the legal services that would benefit them most.

## E. Study Design

The study involved the administration of self-completion mail questionnaires to 989 Utahns ages 60 and older throughout the state. These seniors were drawn from an original random stratified probability sample of over 6,000 Utah seniors who were surveyed in 2001. These seniors indicated a willingness to participate in future surveys. Although these seniors self-selected, the Brigham Young University (BYU) Center for Statistical Research confirmed that the sample size of 989 seniors provided a representative sample.

The questionnaire was drafted specifically to address seniors' legal needs. In doing so the principal investigators also reviewed other legal needs surveys, including Washington State's 2003 Civil Legal Needs Study. The survey instrument included questions involving demographics, health insurance, government benefits, housing problems, consumer issues, family problems, abuse issues, estate planning, awareness of legal services, experiences and perceptions of lawyers, and legal services seniors want. Seniors were asked to report problems they had experienced in the past three years.

# III. Findings

#### A. Demographics

#### Response Rate

Surveys were sent to 989 seniors representing every county in Utah. Of those surveys, 153 were returned as undeliverable and 557 surveys were completed resulting in a response rate of 67%. This high response rate better ensures that the study is representative of Utah's seniors. The high response rate also appears to indicate that seniors are very interested in legal needs.

#### Age, Sex & Race

Most of the survey respondents (46%) are between the ages of 71-80. Thirty-four percent (34%) of seniors are between the ages of 61 and 70. Eighteen percent (18%) of seniors are 81 years of age or older. One percent (1%) are over the age of 90. The oldest senior who responded is 97 years old.

There were more females (55%) than males (43%) in the survey as expected with this population. Two percent (2%) did not answer this question.

While the respondents are overwhelmingly white (98%), this is somewhat reflective of Utah's senior population. According to the 2001 Profile of Utah's Older Americans Act Programs, just over 5% of seniors receiving Older Americans Act services are minority A 1997 Economic Report to the Governor states that Utah's overall senior minority population is just over 4%. survey's respondents percent (2%) of the are minorities representing Native American, the Asian, and Hispanic populations.

#### Where Seniors Live

All 12 of Utah's Area Agencies on Aging (AAA) are represented in this study (see fig. 1). Twenty-three percent (23%) of participating seniors are from Salt Lake County. This high number is to be expected as Salt Lake County is one of the higher-populated counties.

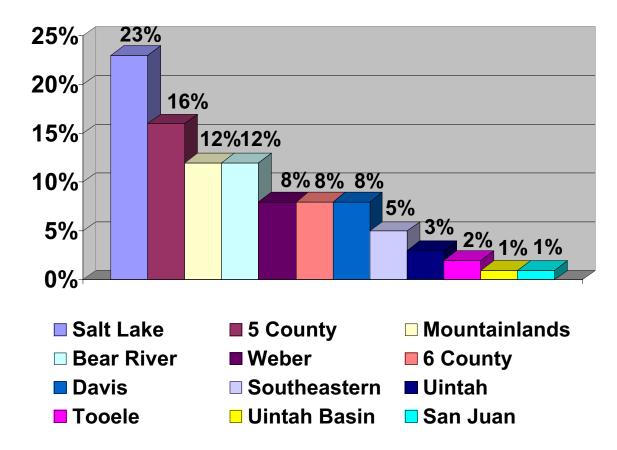


Fig. 1: Where Seniors Live

#### **Driving**

The majority of seniors (87%) still drive. Five percent (5%) of those drive only in a limited area and/or time.

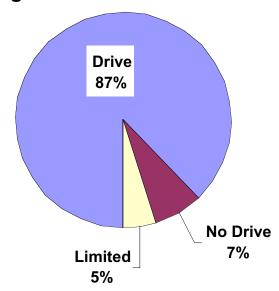
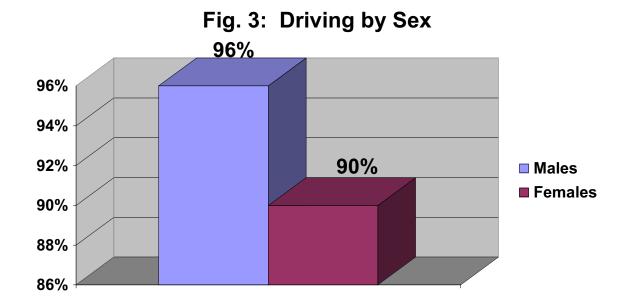


Fig 2: Seniors Who Drive

Females are significantly less likely to drive than males. Ninety-six percent (96%) of males report full or limited driving compared to 90% of females.



Unsurprisingly, older seniors are significantly less likely to drive. Twenty-three percent (23%) of seniors over 81 years old do not drive versus 4% of those 71-80 years old and 5% of those 61-70.

25% 20% 15% 10% 5% 4% 5% 0%

Fig. 4: Age & Driving

Since one in twelve seniors are limited as to driving, transportation concerns are a significant issue for many of Utah's seniors. One Davis county woman in her seventies said, "Transportation is my biggest concern. We need to be able to get to the doctor's, pick up medication and shop for food." A Price woman in her seventies

said, "As long as I can drive, everything will be OK." A Five-County woman in her eighties spoke of the need for better public transportation, especially in rural areas.

#### Living Arrangements

Most seniors (93%) live in their own homes. Only a few rent (3%) or live in another's home (2%). While few seniors rent, several seniors mentioned concerns over mobile home parks. A Salt Lake County woman said that the State should have stronger laws protecting the rights of seniors in mobile home parks. She is concerned about the landlord raising monthly rental rates faster than her fixed income can handle.

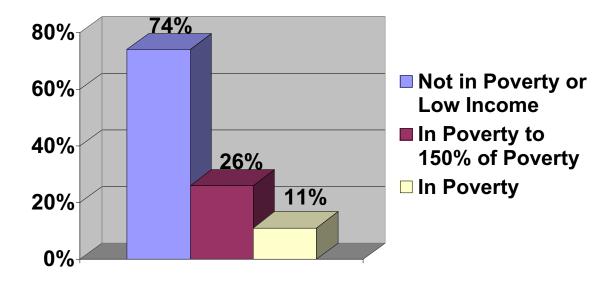
The majority (69%) of seniors live with their spouses. About one out of four seniors lives alone (26%). A few seniors, four percent (4%), live with their children, and one-percent (1%) live with extended family. While most seniors do not live with their children, they are a valuable resource for care and advice. A woman from the Five-County region said, "We depend a lot on our children for advice and help."

Sixty-two percent (62%) live in a household with two people. Twenty-six percent (26%) live by themselves. Some seniors (7%) live with three people and two percent (2%) live with four people. The largest household found is an eight-person household. Several seniors report that their grandchildren live in their household.

#### <u>Income</u>

The majority of seniors (65%) have an income of above \$18,851, and 74% are not in poverty and do not have a low income. However, eleven percent (11%) of seniors live in poverty. And 15% of seniors have a low income (less than 150% of poverty). Thus, 26% of seniors in Utah live on a low income. Those living with lower incomes are significantly more likely to live alone.





While most seniors do not live in poverty, the cost of living appears to be a near-universal concern. Many seniors stated concern over the rising costs of living. A Six-County man in his sixties said, "I just hope we will be able to afford our home and our medicines." A Bear River man in his eighties said, "Please do something about the rising cost of medicine." A Six-County woman in her seventies said, "Seniors need a lot of help, especially medically and financially. My doctor was shocked when I told him each pill I took was over \$4.00. Sometimes I have to do without." A Five-County man in his eighties said, "I am concerned that the present federal administration will reduce Social Security payments." An individual over ninety from Salt Lake County summed it up nicely: "My biggest problem is money."

# **Email & Internet Access**

About half of Utah's seniors (51%) have e-mail. This is a much higher percentage than the nation. According to the Administration on Aging, approximately 28% of seniors have e-mail. While the fact that Utah's seniors are more "wired" than the nation is positive and impressive, it also opens seniors to internet scams. One Mountainland woman in her seventies said, "We get abundant foreign scams on e-mail – our name must be on all the lists."

Older seniors are significantly less likely to use e-mail (see fig. 6 below). Seventy-four percent (74%) of seniors between the ages of 71 and 80 do not have e-mail. Only 35% of seniors ages 61 to 70 do not have e-mail.

100% 80% 60% 40% 20% 0%

Fig 6: Seniors Not Using E-mail by Age

### **Working**

As expected, the majority of seniors do not work (53%). However, almost one in three (29%) remain active by volunteering. And eighteen percent (18%) of seniors work either full-time or part-time.

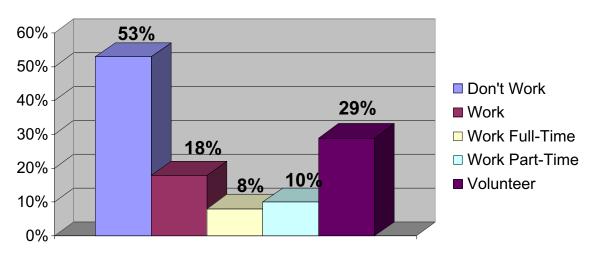


Fig. 7: Working Status

Younger seniors are significantly more likely to be working. Thirty-one percent of those 61-70 years old are working compared to 13% of 71-80 years old and 7% of those 81 years old and older.

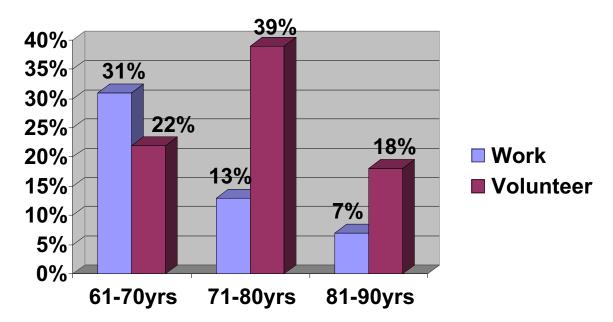


Fig 8: Work & Volunteering by Age

Men are also significantly more likely to be working or volunteering than women.

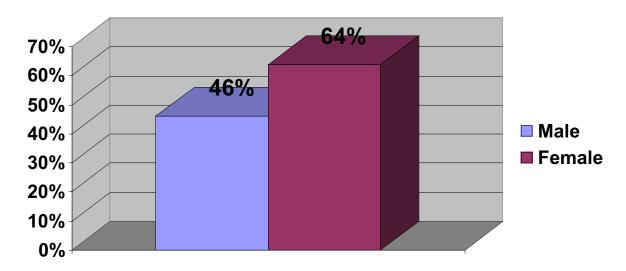


Fig 9: Working/Volunteer by Gender

Many seniors appear to be working longer to be able to afford the

cost of living, and especially the cost of health care. A Mountainland woman in her seventies said, "I can't work forever, and how can I pay for health care while still living on my fixed income?"

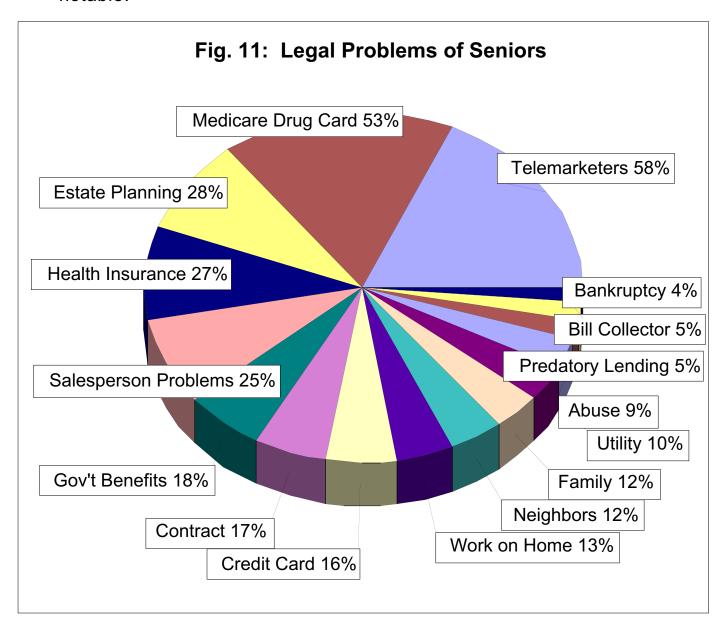
#### B. Reported Legal Problems

#### Overall Legal Problems

The survey addresses several areas of need such as: health insurance, government benefits, housing problems, consumer issues, family problems, abuse issues, and estate planning. Survey respondents experienced a wide range of legal needs in the past three years. The figure below details the percentage of seniors who reported a particular legal problem. Seniors top legal problems are (from most reported to least reported): Telemarketer problems (58%) and Medicare Drug Card Program questions (53%). However, note that Estate and Advance Planning (28%), Health Insurance Problems (27%), and Salesperson Problems (25%) are also cited very frequently.

Fig. 10: Problems Reported	
Legal Problems	Percentage
Telemarketing	58%
Medicare Drug Card	53%
Estate and Advance Planning	28%
Health Insurance	27%
Salesperson	25%
Conditions in the Home	18%
Government Benefits	17%
Contract	16%
Credit Card	13%
Unsatisfactory Work on Home	12%
Problems with Neighbors	12%
Family	12%
Utilities	10%
Abuse	9%
Predatory Lending	5%
Bill Collecting	5%
Bankruptcy	4%

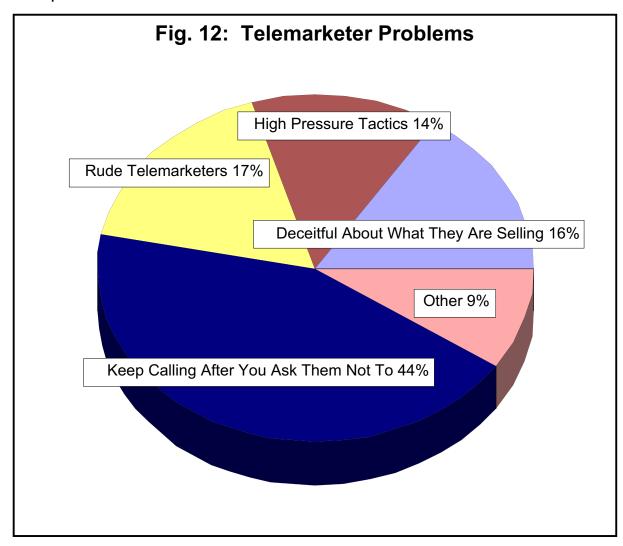
Other legal issues that are of concern to seniors are - conditions in the home (18%), government benefits (17%), contract problems (16%), credit card problems (13%), and unsatisfactory work on your home (12%). In addition, problems with neighbors (12%), family problems (12%), utility issues (10%), abuse problems (9%), predatory lending (5%), bill collectors (5%), and bankruptcy (4%) are also notable.



#### **Telemarketers**

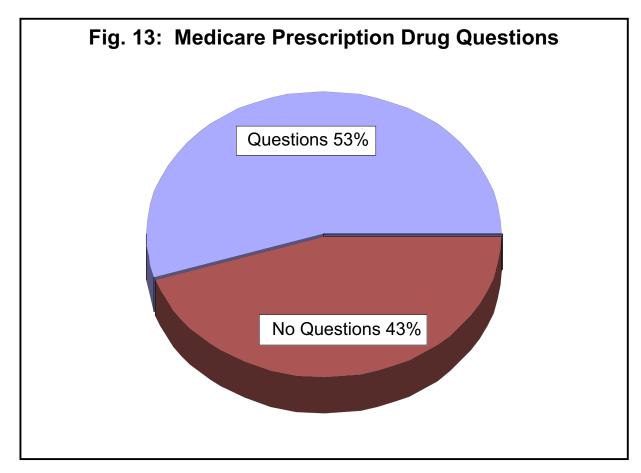
Seniors report great difficulties with telemarketers. Seniors were given the option to mark any of the following: deceitful about what they are offering or sending, high pressure tactics, rude telemarketers, and keep calling after you ask them not to. By far the most common response (of those reporting a problem) is that telemarketers keep calling after they are asked not to (44%). A Salt Lake County man in his eighties said, "Seniors need more protection against telemarketers and non-profit solicitations."

Sixteen percent (16%) of seniors said that telemarketers were deceitful about what they are offering or sending, and 17% complained of rude telemarketers.



# **New Medicare Prescription Act**

Many seniors do not understand the Medicare Prescription Drug program and have questions about this new benefit.

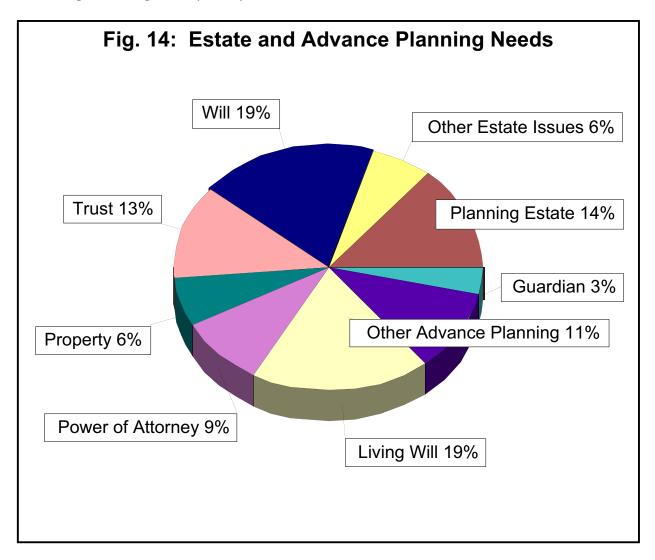


Many seniors expressed confusion and frustration with this new program. A Davis County man in his seventies said, "The new Rx drug cards are very confusing. Which card is most valuable considering the medications we are taking?" A Salt Lake County woman said, "Health Insurance in this country stinks. The prescription drug cards are a joke."

A Tooele woman in her seventies said, "The new Medicare drug law is too complicated for the average senior to comprehend. We would be better off to junk the bill and start over."

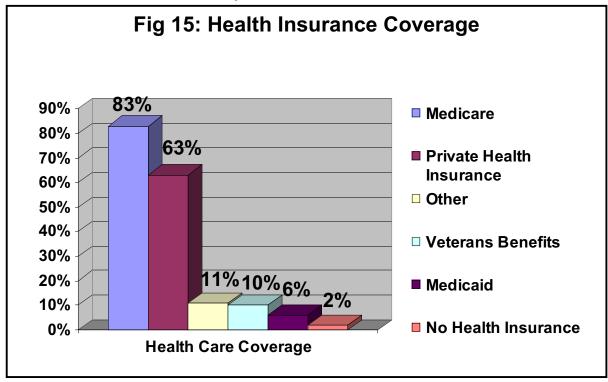
# Estate and Advance Planning

Among the most commonly encountered need of seniors is estate and advance planning. Twenty-eight percent (28%) of seniors have a variety of legal needs in this area. Of those reporting a need, nineteen percent (19%) would like help with a will, and creating a living will (19%).



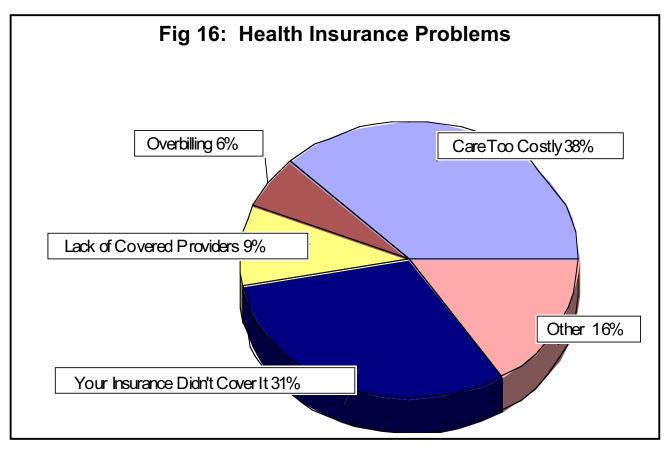
#### **Health Insurance Problems**

A great majority of seniors do have health insurance. Seniors reported that 83% have Medicare and 63% have private health insurance. The good news is that just two percent (2%) of seniors report no health insurance. Affording health insurance is difficult for many seniors. Several seniors said they were concerned about the rising costs of health insurance. A six-County man said, "The cost of health care is truly out of control."



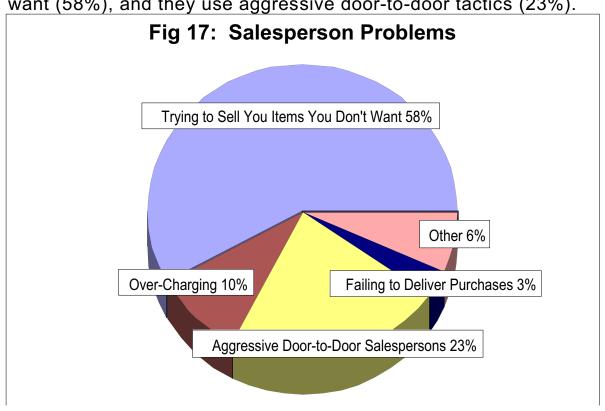
Twenty-seven percent (27%) of seniors have problems with their health insurance. Of those seniors who reported difficulties, thirty-eight percent (38%) said "care was too costly," and thirty-one percent (31%) said their insurance did not cover the service.

Some rural seniors reported problems with a lack of medical services. A San Juan woman said, "My 96-year-old mother and my retarded son live with me and I cannot get the medical help I need in San Juan County."



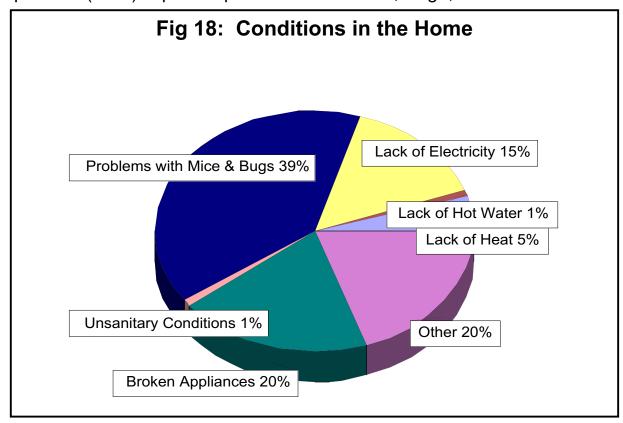
# Salespersons Problems

Twenty-five percent (25%) of seniors have problems with salespersons. Of those reporting difficulties, the most common response was that salespersons try to sell them items they don't want (58%), and they use aggressive door-to-door tactics (23%).



#### Conditions in the Home

This question asked whether seniors have experienced lack of heat, hot water, electricity, or problems with mice, etc. Eighteen percent (18%) of seniors said they did have problems in their home. Of those seniors who reported difficulties, thirty-nine percent (39%) reported problems with mice, bugs, etc.



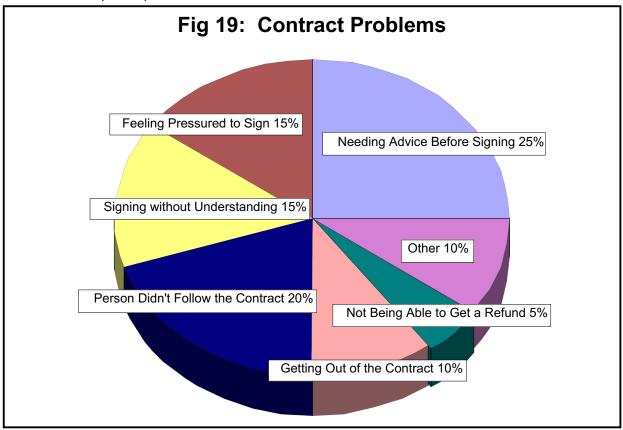
#### **Government Benefits**

Seventeen percent (17%) of seniors have problems with government benefits (Medicare, Medicaid, veteran benefits, etc.). A Salt Lake County woman said, "I dislike calling Social Security because it takes forever."

It also appears that government agencies could do a better job of advertising available benefits. A Uintah County woman in her sixties commented, "I feel seniors are not well informed about beneficial services available on all levels, from city to state, Federal and private."

#### **Contract Problems**

Sixteen percent (16%) of seniors have problems with a contract. Of those reporting, the most common response is "needing advice before signing the contract" (25%) and the "person didn't follow the contract" (20%).



#### Credit Card Problems

Sixteen percent (16%) of seniors have problems with credit cards. Possible survey responses included: can't pay credit card bill, incorrect billing charges, being charged for a credit card that has been cancelled, and being charged extreme interest rates. The most common responses of those reporting are extreme interest rates (47%) and incorrect billing charges (29%).

# Work Done on Seniors' Homes

Seniors were asked whether they had hired someone to do work on their home and the work was not done to their satisfaction. This question alludes to problems with handymen or contractors who do a shoddy job for seniors. Thirteen percent (13%) of seniors answered yes, they did have problems with work done on their home.

#### Problems with Neighbors

Twelve percent (12%) of seniors say they have problems with their neighbors such as loud noise, trash, etc. A Bear River woman in her seventies commented, "Our new neighbors are changing the old environment. They are too restrictive and bossy." A Salt Lake County man in his seventies complained of mailbox bashing.

#### Family Problems

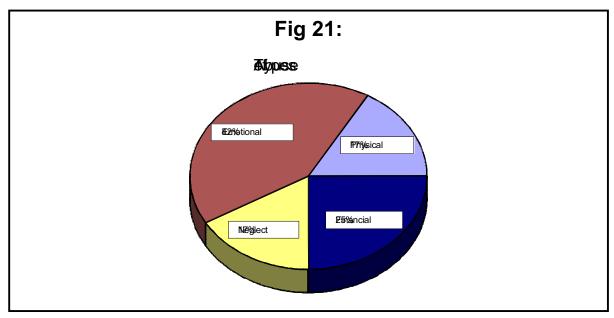
A small minority of seniors, twelve percent (12%) need help with family issues such as divorce, separation, division of property, child/grandchild custody, and/or enforcing alimony. A senior in Tooele said, "Grandparents need advice on caring for grandchildren living with them." The most common response was need for legal advice regarding the division of property.

#### **Utility Problems**

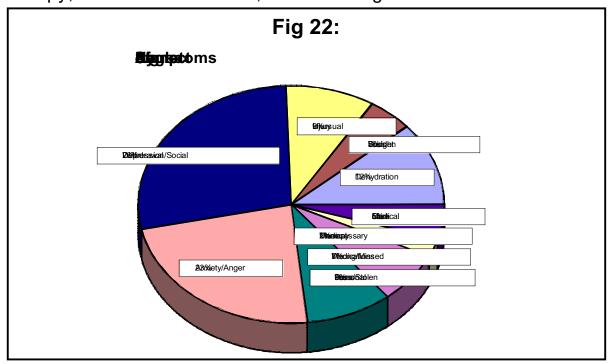
Ten percent of seniors (10%) have problems with utilities. There was no common response.

# Abuse & Neglect

Nine percent (9%) of seniors self report that they have been abused or neglected. Of those that have been abused, emotional abuse was the most common type of abuse reported.



Many seniors (almost 25%) report that they suffered from dehydration, weight loss, depression, unusual physical injury, anxiety/anger, lost or stolen personal items, unnecessary medical therapy, lack of medical care, and/or wrong/missed medication.



Although nearly one in four seniors report one or more signs or symptoms of abuse and neglect, only nine percent (9%) self report abuse or neglect.

Women stated they were abused significantly more than men said they were abused. Women reported being abused (12%) twice as much as men (6%).

Surprisingly, younger seniors report being abused more than older seniors. Of seniors reporting abuse or neglect, fifty-one percent (51%) are 61-70 years old, whereas only 16% are 81years of age or older.

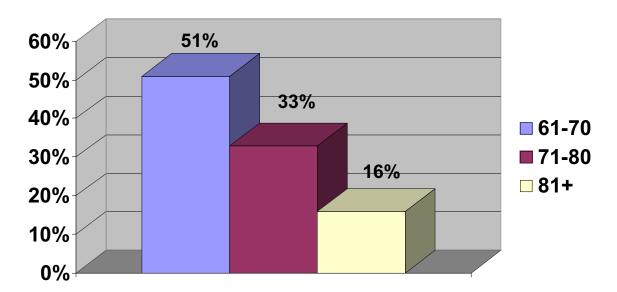


Fig 23: Abuse by Age

Sadly, of those that were abused, sixty one percent (61%) did not get help.

#### Financial Exploitation

A small number of seniors, four percent (4%), stated that someone has improperly used their money, property or assets. Although this is the definition of financial abuse, only 19% of those who said their assets were improperly used also stated they were financially abused in a following question. This low incidence of seniors reporting financial abuse may be a direct result of seniors not being aware of the definition of abuse as well as the signs and symptoms of financial exploitation. The legal services network could do a better job in educating seniors on these matters.

Improperly Used **Assets Didn't** 100% 81% **Report Being** 80% **Financially Abused** 60% **■** Improperly Used 40% 19% **Assets &** 20% **Reported Being Financially** 0% **Abused** 

Fig. 24: Recognizing Financial Exploitation

# **Predatory Lending**

Five percent (5%) of seniors have had problems with loans that had excessive fees or high interest rates.

### **Bill Collectors**

Five percent (5%) of seniors said they had problems with a bill collector like harassing phone calls, or repossession threats.

# **Bankruptcy**

Four percent (4%) of seniors have thought about or have filed for bankruptcy.

#### C. Awareness of Legal Organizations

#### Awareness of Existing Organizations

Seniors were asked to indicate the legal services organizations they were aware of. Only 44% of seniors have heard of at least one legal services organization. This indicates a need for more advertisement of legal services available to seniors. A Bear River woman in her nineties said, "We need more articles concerning where legal services are available for folks who cannot afford them."

Twenty-two percent (22%) of seniors have heard of Adult Protective Services, thirty-four (34%) Legal Aid Society, twenty percent (20%) Utah Legal Services, fourteen percent (14%) free legal clinics, eight percent (8%) ombudsman, and six percent (6%) free legal clinics.

#### Getting the Word Out

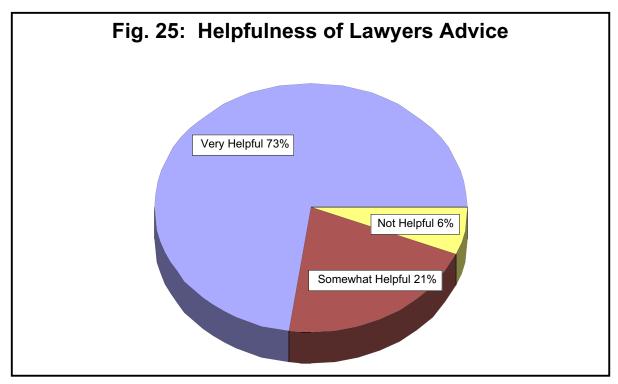
Seniors said the best way to get the word out about a new legal service is by advertisement (58%) and senior center (32%).

#### D. Experience and Perception of Lawyers

#### **Experience with Lawyers**

A large number of seniors, fifty-percent (50%), have used an attorney within the last 10 years. The majority of those who used an attorney were charged a normal fee (64%), fifteen percent (15%) received a reduced rate, and seventeen percent (17%) received the attorney's services for free.

Most seniors who have used an attorney found the lawyer's services to be very helpful (73%), twenty-one (21%) somewhat helpful, and six percent (6%) said the lawyers service was not at all helpful.



One Salt Lake County man commented that attorneys need to be reliable. A Six-County man in his eighties said, "Our experience with the legal profession has been very negative. We've seen large fees and nothing but legalese in return."

Trusting lawyers appears to be a concern for some seniors as well. A Weber man in his seventies said, "I wonder who seniors can trust. Sometimes, seniors are 'taken' by the very people that are supposed to help them."

#### Future Legal Help

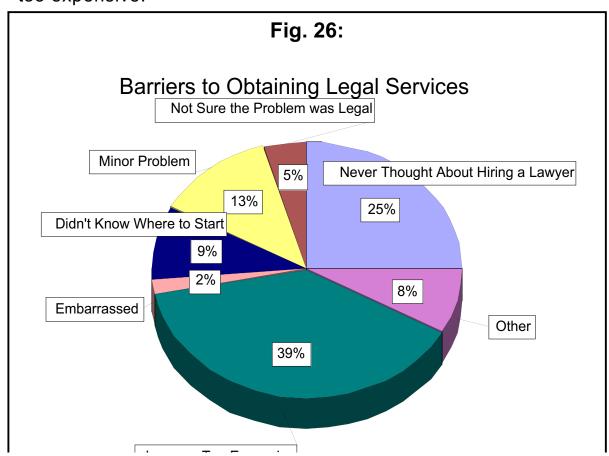
If seniors need help in the future, they are most likely to call a lawyer they know, get a referral from a friend or family member, and/or call Utah Legal Services. Interestingly, a number of seniors (12%) stated they would contact their church for a referral. Several seniors commented that they turn to their church for help with all kinds of problems, including legal problems.

Those who have used a lawyer before are significantly more likely to call a lawyer they know if they have a problem in the future. Those who have used an attorney are more likely to call a lawyer they know if they have a problem in the future (55%).

Sixty-one percent of those who said they received helpful advice from a lawyer are more likely to call a lawyer they know.

#### **Barriers to Legal Services**

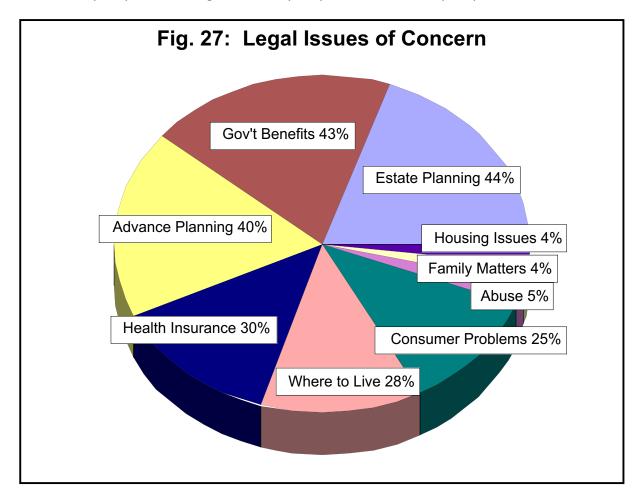
Seniors were asked if they had ever thought of using a lawyer and if so why they didn't get a lawyer. The most common answer is they never thought about hiring a lawyer and they think lawyers are too expensive.



#### E. Legal Issues of Concern & Needed Services

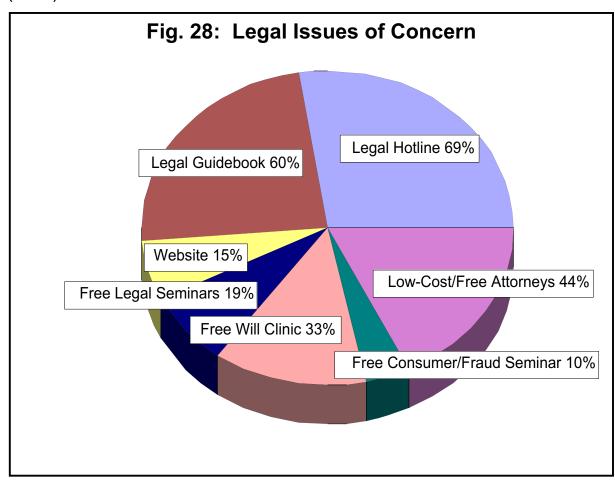
# Legal Issues of Concern

Seniors were asked to name the top three legal issues that were of concern to them. The top issues are Estate Planning (44%), Government Benefits (43%), Advance Planning (40%), Health Insurance Problems (30%), Where to Live Issues (28%) and Consumer Problems (25%). Lower responses include Family Matters (4%), Housing Issues (4%), and Abuse (5%).



#### **Most Needed Services**

Seniors were asked to name the three services that would be most helpful. The three most requested services are a hotline (69%), a legal guidebook for seniors (60%), and free or low-cost attorneys (44%).



# IV. Key Recommendations and Conclusion

A seventy-one-year-old woman in the Southeastern Utah area said, "There is a lot of suspense in aging and some quite delicious surprises." Timely and appropriate legal services can go a long way to ensure that all aging surprises are "quite delicious." This report provides a glimpse into the current state of seniors' legal needs. Utah must now address and prepare for these needs. Here are some key recommendations to do just that:

- 1. The creation of two new services -- a hotline and legal guidebook.
  - a. <u>Hotline</u> Utah currently does not have a legal hotline for seniors. Seniors have overwhelmingly (69%) indicated that a legal hotline is the service they want most.
  - b. <u>Guidebook</u> Sixty percent (60%) of seniors requested a legal guidebook. One is currently in print. However, more funding is needed to print additional copies and distribute the guidebook.
- 2. Senior legal services can be focused in the following ways:
  - a. <u>Consumer law</u> More needs to be done to prevent the abuses of unscrupulous telemarketers and salespersons. Seniors need more education on consumer law, especially how to get rid of unwanted telemarketers.
  - b. <u>Health Insurance</u> More advocacy and legislation is needed to lower the cost of medical care for seniors.
  - c. <u>Medicare prescription drug cards</u> Seniors need more education to understand the new Medicare law and how to determine which Rx card is best for them.
  - d. <u>Estate and Advance Planning</u> Attorneys are needed to help with a variety of estate planning needs, especially the creation of a will and living will.

- 3. The majority of seniors are unaware of any legal services providers. Utah's legal community can do more to let seniors know about the current legal services provided. Seniors stated that advertisement in the media and at senior centers is the best way to let them know about legal services.
- 4. More resources are needed to satisfy the legal needs of Utah's seniors. Long-term, ongoing funding will be necessary for a successful hotline. And getting the word out to seniors about the availability of legal services will be of no use if there are no services available due to a lack of funding. Seniors have clearly indicated that legal services are a priority for their happiness and well-being.